

Remarks/Arguments

The foregoing amendments and these remarks are made in response to the Office Action dated February 23, 2004. This Amendment is timely filed with the accompanying Request for a One Month Extension of Time along with the payment of the associated fee.

At the time of the Office Action, claims 1, 3-5, and 10-29 were pending in the application. In the Office Action, the Examiner objects to the previous amendment, dated December 9, 2003, under 35 U.S.C. § 132, for introducing new matter into the disclosure. Claims 1, 10 and 23 were objected to based on various informalities. Claims 16-23 were rejected under 35 U.S.C. § 102; claims 1, 4, 5 and 10-15 were rejected under 35 U.S.C. § 103. Claims 24-29 were allowed. The objections and rejections are set forth in more detail below.

Claim Objections Under 35 U.S.C. § 132

The Examiner objected to the amendment filed on December 9, 2003, alleging that it introduced new matter into the disclosure. In particular, the Examiner asserts that the replacement of the word "adjacent" with the phrase "between at least two shutter blades" in claims 1 and 10 is not supported by the original disclosure. The Examiner generally points to pages 9 and 10 of the specification to assert that the depressions/openings (42) are formed in the rear surface of the blades and not "between" adjacent blades; thus, the Examiner posits that the access is being provided "along the back surface" and not "between" adjacent panels.

Applicant submits that no new matter was added to the application in the previous amendment; therefore, Applicant has respectfully declined the Examiner's request to cancel the supposed new matter. Applicant submits that Examiner's objection is merely a matter of semantics, arguing that access is provided along the back surface and not between two or more shutter blades. The phrase "between at least two shutter blades" is intended to convey that the location of the access clip insertion points relative to the blades.

As noted in the original specification at page 10, FIG. 3 shows "that the angular extension of the connecting flange 54 from the side flange 48 to the blade body 44 results in a depression 42 in the rear face of the shutter blade assembly." It is clear in FIG. 3 that if one were to insert the bracing clips through the provided access, that is, "into the rear blades depressions 42 and slide laterally into the frame openings 24," then the clip would be positioned in the depression defined between two of the shutter blades. As discussed in the 12/9/2003 Amendment, this insertion location is different than Poma, which only provides an opening behind the entire blade assembly. Thus, the phrase "between at least two of the shutter blades" is supported by the specification as originally filed, revealing that no new matter has been added. Applicant respectfully requests that the Examiner withdraw the objection.

Other Claim Objections

The Examiner objected to informalities in claims 1, 10 and 23. Specifically, the Examiner notes that claims 1 and 10 lack antecedent basis for the phrase "the two lateral frame members." In claims 1 and 10, "elongated frame members" has been changed to "elongated lateral frame members." The objection to claim 23 is moot as that claim has been cancelled. In light of these amendments to the claims, as set forth in the Listing of Claims, it is respectfully submitted that the Examiner's objections have been satisfied.

Applicant wishes to point out that claim 23 has further been amended to include the word "side," as shown in the Listing of Claims, to correct a typographical error. Applicant notes that claim 24, like claim 23, uses "can be" language. Though the Examiner did not object to this language in claim 24, Applicant has nonetheless amended the language from "can be" to "is." Further, Applicant notes that claim 24, though not objected to in the Office Action, has been amended by changing "elongated frame members" to "elongated lateral frame members."

Art-Based Claim Rejections

Claims 16-22 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,426,893 ("Hoffman"). Claim 23 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,957,186 ("Boswell"). Finally, claims 1, 4, 5 and 10-15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,737,874 ("Sipos") in view of U.S. Patent No. 6,543,188 ("Poma"). Each of these rejections will be addressed in turn below.

It is respectfully submitted that the Examiner's rejection of claims 16-22 based on Hoffman should be reconsidered and withdrawn. Independent claim 16 now states that the connecting flange is "adapted to connect to the blade body of the adjacent shutter blade at a location between its transverse edges and spaced from said transverse edges." This element, at a minimum, cannot be found in Hoffman. In referring to Hoffman, the Examiner alleged reference no. 18 as being the blade body; reference nos. 15, 16 being "at least one side flange;" and reference nos. 17, 23, and 24 serving as the connecting flange. Contrary to the Examiner's assertions references nos. 23 and 24 in Hoffman are not adapted to connect to the blade body of the adjacent blade, which, according to the Examiner, would be reference no. 18 in Hoffman. As clearly seen in Hoffman FIG. 3, the connecting pieces (nos. 23 and 24) connect to a mating connecting piece (ref. no. 20) on an adjacent shutter. In other words, the shutter blades in Hoffman are connected end-to-end whereas, in the present application, the connecting flange of one shutter blade connects to an adjacent shutter blade body at a location between its transverse edges and spaced from said transverse edges. In light of the above, Applicant respectfully submits that the rejection based on Hoffman is traversed.

The Examiner rejected claim 23 as being anticipated by Boswell. As noted earlier, claim 23 has been cancelled; therefore, the rejection of claim 23 is now moot.

Lastly, claims 1, 4, 5 and 10-15 were rejected as being obvious based on a combination of Sipos and Poma. The combination does not disclose each and every element of the rejected claims.

As amended, independent claims 1 and 10 recite that the connecting flange extends from an end of the side flange opposite to the first end and that the connecting flange connects to an adjacent blade at a location between its transverse edges and spaced from said transverse edges. None of the patents of record disclose such an arrangement. Therefore, for at least this reason, claims 1 and 10 distinguish over the cited art.

Independent claims 1 and 10 also recite that the shutter blades provide a louvered appearance on one side and provide access to the facing openings of the elongated frame members on the opposing side for insertion of bracing clips when the shutter is arranged for impact protection. Claims 1 and 10 also recite that the access to the facing openings is provided between at least two of the shutter blades. Such an arrangement is not disclosed by Poma. Specifically, Poma does not disclose a spacing between blades for access but rather provides a solid plate that is slightly recessed to provide access behind and outside of the blade array as opposed to between the blades within the blade array, as explained in Applicant's previous response of December 9, 2003. Similarly, Sipos discloses, in one instance, the shutter assembly having a louvered appearance on both sides. In another instance, when fasteners 76 fail, the shutter assembly no longer having a louvered appearance and access is no longer permitted between the blades. Neither reference shows or suggests blades with side flanges from which connecting flanges extend to connect to an adjacent blade between the transverse edges and spaced therefrom.

Therefore, the Examiner's rejection of claims 1 and 10 and the rejected claims depending therefrom based on Poma/Sipos have respectfully been traversed.

Allowable Subject Matter

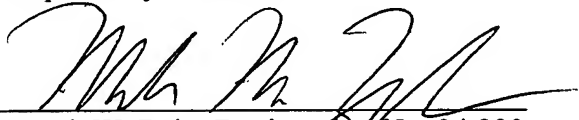
Applicant notes with appreciation the Examiner's allowance of claims 24-29. Though it was not expressed by the Examiner, Applicant would like to point out that claim 3, which depends from claim 24, is also allowable subject matter as well.

Conclusion

In light of the foregoing, it is respectfully submitted that the Examiner's objections and rejections have been overcome. Accordingly, Applicant respectfully requests that the Examiner reconsider the claims currently pending in the application; withdraw the objections under 35 U.S.C. §§ 112 and 132 and rejections under 35 U.S.C. §§ 102 and 103; allow the pending claims; and promptly issue a timely Notice of Allowance.

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Respectfully submitted,



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